

## **Deposition of Brian E. Pixley**

**Oregon Firearms Federation, Inc., et al. v. Kotek, et al.  
(Consolidated)**

**April 26, 2023**



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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION

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OREGON FIREARMS FEDERATION,	)
INC., et al.,	)
	) Civil No.
Plaintiffs,	) 2:22-cv-01815-IM
v.	) (Lead Case)
	)
TINA KOTEK, et al.,	) Civil No.
	) 3:22-cv-01859-IM
Defendants.	) (Trailing Case)
	)
(Continued)	) Civil No.
	) 3:22-cv-01862-IM
	) (Trailing Case)
	)
	) Civil No.
	) 3:22-cv-01869-IM
	) (Trailing Case)
	)

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\* VIDEOCONFERENCE \*

DEPOSITION UPON ORAL EXAMINATION  
OF  
BRIAN E. PIXLEY

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Witness located in:  
Scappoose, Oregon

\* All participants appeared via videoconference \*

DATE TAKEN: April 26, 2023  
REPORTED BY: Tia B. Reidt, Washington RPR, CCR #2798  
Oregon #22-0001

1 (continued) )  
2 )  
3 MARK FITZ, et al., )  
4 )  
5 Plaintiffs, )  
6 v. )  
7 )  
8 ELLEN F. ROSENBLUM, et al., )  
9 )  
10 Defendants. )  
11 )  
12 )  
13 KATERINA B. EYRE, et al., )  
14 )  
15 Plaintiffs, )  
16 )  
17 v. )  
18 )  
19 ELLEN F. ROSENBLUM, et al., )  
20 )  
21 Defendants, )  
22 )  
23 and )  
24 )  
25 OREGON ALLIANCE FOR GUN )  
SAFETY, )  
Intervenor- )  
Defendant. )  
DANIEL AZZOPARDI, et al., )  
Plaintiffs, )  
v. )  
ELLEN F. ROSENBLUM, et al., )  
Defendants. )

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APPEARANCES

\* All participants appeared via videoconference \*  
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Also Present:

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\* \* \* \* \*

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1    whatsoever of any concern raised by any of your  
2    insurers about Measure 114?

3           A.   They always have concerns.   But, no, nothing  
4    specific.

5           Q.   Fair enough.

6           Okay.   The sixth -- I don't remember what  
7    number I'm on.

8           One of the other components of Measure 114 is  
9    that your office must make a determination about  
10   whether a person is a danger to themselves or others.  
11   And just for reference, this is found on page 2 of the  
12   Measure 114 handout.   And it's what is labeled as big C  
13   --

14          A.   Page 2, you said?

15          Q.   The first big C on page 2.

16          A.   Okay.

17               Yes, sir.

18          Q.   Okay.

19               "Does not present reasonable grounds for a  
20   permit agent to conclude that the applicant has been or  
21   is reasonably likely to be a danger to self or others.

22               Sheriff, is that provision similar to the CHL  
23   requirement?

24          A.   Yeah, I believe so, yes.

25          Q.   In the CHL context, your office makes a

1 determination as to whether an individual may present a  
2 danger to themselves or others; correct?

3 A. Yes.

4 Q. Sheriff, how does -- how do you -- how are  
5 your employees trained to make that determination?

6 A. Well, they attend CHL schools, which help  
7 identify some of those things. But, ultimately, when  
8 they have any questions, they bring it to my attention,  
9 and I make the determination.

10 Q. My understanding is there's also some --  
11 there's an OSSA civil manual that has some guidance on  
12 CHL; is that correct?

13 A. Yes.

14 Q. And do your employees have the ability to look  
15 at and reference that manual?

16 A. Yes.

17 Q. To your knowledge, do they use that manual to  
18 assist in issuing and determining whether CHLs should  
19 be issued?

20 A. Yes.

21 Q. When it comes to making a determination about  
22 whether an individual presents reasonable grounds to  
23 conclude that they may be a danger to themselves or  
24 others, do you believe that you have the resources,  
25 ability, and authority to do that?

1 A. Yes. Not all contained within my office. I  
2 rely on several outside sources before I make that  
3 determination, but yes.

4 Q. What outside sources do you find to be of  
5 assistance?

6 A. Court documents, family -- statements from  
7 family, statements from doctors or medical providers.  
8 I typically run a -- have a conversation with my county  
9 counsel, and I kind of use -- get all -- take all of  
10 that information in and make a determination based on  
11 that.

12 Q. Do you see any substantive difference between  
13 the CHL requirement that you and your office determine  
14 whether someone is a danger to self or others and the  
15 Measure 114 requirement that you or your office make a  
16 determination as to someone -- whether someone presents  
17 a danger to self or others?

18 A. No.

19 Q. One of the other things that Measure 114  
20 allows is for your office to collect a fee to process  
21 the application?

22 A. Yes.

23 Q. And that fee is, under the measure, capped at  
24 \$65.

25 Do you understand that -- at least to your



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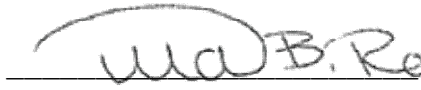
## C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Tia Reidt, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of BRIAN E. PIXLEY, having been duly sworn, on April 26, 2023, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of May, 2023.

  
\_\_\_\_\_  
/S/ Tia B. Reidt  
Tia B. Reidt,  
NOTARY PUBLIC, State of  
Washington.  
My commission expires  
5/15/2026.

